

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

JAMES R. ASBURY,)
Plaintiff,)
v.) No. 4:18-CV-1417-DDN
DIRECTOR OF THE FCC, et al.,)
Defendants.)

MEMORANDUM AND ORDER OF TRANSFER

This matter is before the Court upon review of the complaint filed by pro se plaintiff James R. Asbury, a resident at Arkansas State Hospital in Little Rock, Arkansas.¹ This case will be transferred to the United States District Court for the Western District of Arkansas.

Plaintiff brings this case against various national political figures, among others, alleging violation of his civil rights under 42 U.S.C. § 1983. Plaintiff's claims arise entirely from events occurring during his residency in Berryville, Arkansas, which is located in the Western District of Arkansas, and Little Rock, Arkansas, which is located in the Eastern District of Arkansas. *See* 28 U.S.C. § 83(a) and (b).

Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the State in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is

¹ Plaintiff's complaint was mailed in an envelope addressed to the United States Court of Appeals for the Eighth Circuit. *See* ECF 1-3. It is unclear how the complaint was redirected to this Court. Oddly, the complaint was already file-stamped by the United States District Court for the Western District of Arkansas on January 29, 2018. A search of the Western District of Arkansas's CM/ECF system, show that this complaint was previously filed and dismissed in *Asbury v. Fox Network, et al.*, No. 3:18-CV-3005-TLB (W.D. Ark. Jan. 29, 2018).

situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action."

Because the majority of the events or omissions giving rise to plaintiff's claims occurred in Berryville, Arkansas, which is located in Carroll County, Arkansas in the Western District, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." Here, the Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Arkansas.

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Arkansas. *See* 28 U.S.C. § 1406(a).

Dated this 29th day of August, 2018.



JOHN A. ROSS
UNITED STATES DISTRICT JUDGE